

HT
393
C22
D4585
1995
ENVI

U.C. BERKELEY LIBRARIES



DMARK ACCORD on BAY-DELTA PROTECTION



Era in
nia Water Policy

January 30, 1995

LANDMARK ACCORD on BAY-DELTA PROTECTION



New Era in
California Water Policy

January 30, 1995

U.C. BERKELEY LIBRARY

ENVI
810

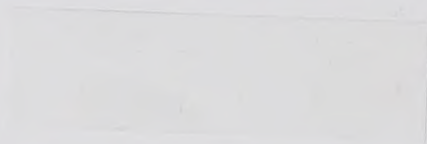


Table of Contents

Overview

- I. Environmental Protections
- II. Reducing Supply Impacts Through Flexibility
- III. Institutional Implications
- IV. Implementation of the Agreement
- V. Long-term Solutions

Appendix A: Agreement

Appendix B: Media Coverage



HT
393
C22
D4585
1995
enr

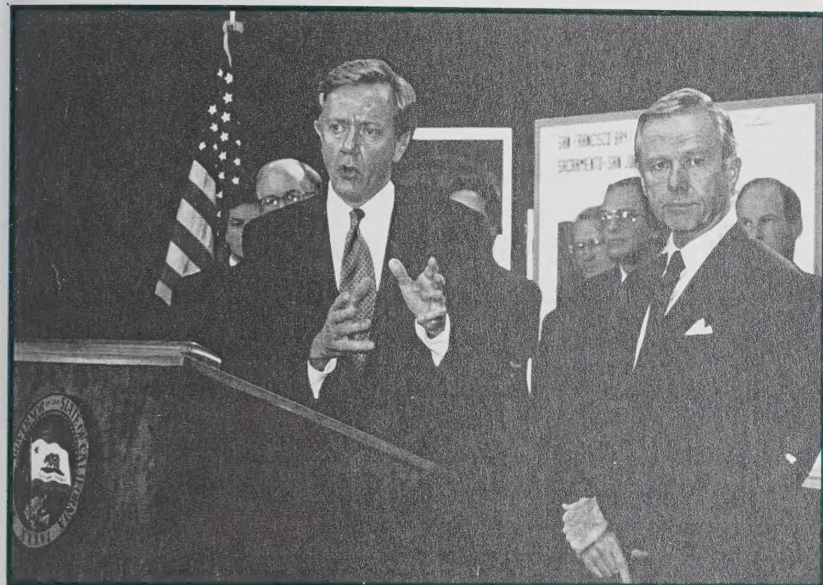
Digitized by the Internet Archive
in 2024 with funding from
State of California and California State Library

<https://archive.org/details/C110986472>

Overview

Bay-Delta Accord Marks Beginning of New Era in California Water Management

On December 15, 1994, Governor Pete Wilson and Cabinet-level Federal officials held a press conference to announce the signing of an historic State/Federal Agreement on Bay-



U.S. Interior Secretary Bruce Babbitt and California Governor Pete Wilson at the Signing of the Bay-Delta Agreement

-Photo Courtesy of Water Education Foundation

Delta environmental protection. Declaring "a major victory of consensus over confrontation," the Governor, Secretary of the Interior Bruce Babbitt, and U.S. Environmental Protection Agency (USEPA) Administrator Carol Browner unveiled the Agreement that resulted from over twelve months of intense scientific analysis and negotiations. A broad range of stakeholder groups signed or supported the Agreement, including environmental organizations, business groups, and urban and agricultural water agencies from throughout California.

New State/Federal Partnership

The Agreement contains Bay-Delta standards that both the state and federal governments can support and allows the federal government to return primary control over Bay-Delta water management to the State. From the State's perspective, the Agreement reaffirms the Wilson Administration's commitment to environmental protection, as set forth in the Governor's 1992 Water Policy Statement. The Accord also reflects the federal government's leadership in pursuing innovative approaches to endangered species protection that provide greater water supply reliability while maintaining strong environmental protections.



The Agreement changes Endangered Species Act (ESA) implementation in several important ways. Federal resource agencies will modify ESA requirements to conform to the principles in the Agreement. The environmental protection measures set forth in the Agreement are intended to provide

habitat protection sufficient for currently listed endangered or threatened species. A joint State/Federal process (CALFED Operations Group), with stakeholder participation, will attempt to resolve issues related to water project operations affecting listed species without incurring additional water supply impacts. Disputes over operation of water projects to meet endangered species requirements will go to CALFED for resolution, with federal listing agencies retaining ESA authority to resolve the issue if resolution within CALFED is unsuccessful.

Agreement Provides Strong Environmental Protections

The Agreement contains three types of environmental protection measures:

- Category I:** Control of freshwater outflow to improve estuarine conditions in the shallow-water habitat of the Bay-Delta Estuary (the Suisun Bay area).
- Category II:** Regulation of water project operations and flows to minimize harmful environmental impacts of water export activities.
- Category III:** Projects to address non-flow-related factors affecting the Bay-Delta ecosystem, such as unscreened water diversions, physical-habitat degradation, and pollution.

Flexibility and Adaptive Management

Both technical and institutional aspects of the December Agreement increase flexibility and responsiveness of environmental protection measures.



Specific features of Category I and II measures, such as a sliding scale to regulate freshwater outflow and export limits as a function of Delta inflow, adjust to changes in natural hydrology that affect environmental demands. This flexible approach

increases the efficiency of flows dedicated to environmental uses and facilitates timing of water exports to reduce negative impacts on aquatic habitat quality.

The Agreement also includes institutional modifications that permit flexible application of the standards while maintaining environmental protections and water supply reliability. CALFED will have authority to set state and federal pumping rates either above or below the nominal export standard. This technique, called “adaptive” or “real-time” management, will keep the loss of endangered fish species at acceptable levels while assuring high reliability to the state and federal water projects. In essence, pumping restrictions will increase when fish populations are at risk and relax when pumping is safe. An intensified biological monitoring program will help generate the information needed to allow modifications in the pumping and to assess the overall effectiveness of the environmental protections.

New Consensus Approach to Problem-Solving

The cooperative process among varying interests that culminated in the December Accord marks a departure from California’s historical trend of political stalemate over water issues. The parties worked together to identify common goals and mutually acceptable solutions, realizing that this approach was the best way to resolve both environmental and water supply concerns.

This consensus-driven approach characterized the leadership of Secretary of the Interior Bruce Babbitt and has been a central tenet of Governor Wilson’s water policy statement of 1992. The December Agreement is a model for achieving consensus on complex environmental issues.



City of San Jose

Agreement Is First Step Toward Long-term Resolution of Bay-Delta Issues

Parties must identify a consensus-based agreement on long-term solutions for the Bay-Delta before the terms of the December Accord expire.

Though the December Agreement is perhaps the most significant event in the decades-long struggle to resolve Bay-Delta issues, it is only one step. The new standards will stabilize the Bay-Delta ecosystem, creating a window of time in which long-term planning can take place, without the distractions of environmental or water supply crises. CALFED, the body created by a June 1994 State/Federal agreement to coordinate Bay-Delta activities, should immediately begin analyzing long-range alternatives for resolving environmental and water supply problems. These alternatives should include, among others, aggressive aquatic, terrestrial, and estuarine habitat restoration and physical improvements to water export operations that would reduce negative environmental impacts.

Finding long-range solutions will be successful only if all parties continue the open, honest, and collaborative process that made the historic December 15 Agreement possible.

Section I

Environmental Protections

Events Leading to Agreement

Diverse parties intensified discussions regarding Bay-Delta standards after the U.S. Environmental Protection Agency issued proposed standards in January 1994 under the federal Clean Water Act. Urban and agricultural agencies formulated a set alternative standards, and all parties (including environmental organizations) conducted intensive discussions about the technical differences between the proposals and options for mutually acceptable resolution of outstanding issues. The Agreement reached between the parties contains strong protections for the Bay-Delta estuary. The protective measures fall into three categories:

- Category I:** Control of freshwater outflow to improve estuarine conditions in the shallow-water habitat of the Bay-Delta Estuary (the Suisun Bay area).
- Category II:** Regulation of water project operations and flows to minimize harmful environmental impacts of water export activities.
- Category III:** Projects to address non-flow-related factors affecting the Bay-Delta ecosystem, such as unscreened water diversions, physical-habitat degradation, and pollution.

Category I: Salinity and Freshwater Outflow

Category I measures provide adequate springtime freshwater outflow into the Bay-Delta estuary, the shallow waters in and around Suisun Bay and downstream from the confluence of the Sacramento and San Joaquin Rivers. These freshwater flows will interact with tidal flows from the Pacific Ocean to create improved estuarine habitat conditions.

The new standard will maintain necessary freshwater outflow by controlling the location of 2-parts-per-thousand salinity ("X2" isohaline). Generally, X2 reflects productive aquatic habitat conditions. Therefore, it is necessary to maintain X2 in the vital estuarine habitat areas of the Suisun Bay complex. The standard requires maintenance of X2 for a determined number of days at three measuring and compliance stations in the Estuary (see diagram):

- The Confluence of the Sacramento and San Joaquin Rivers;



Category I Measures

- Chipps Island; and
- Roe Island.

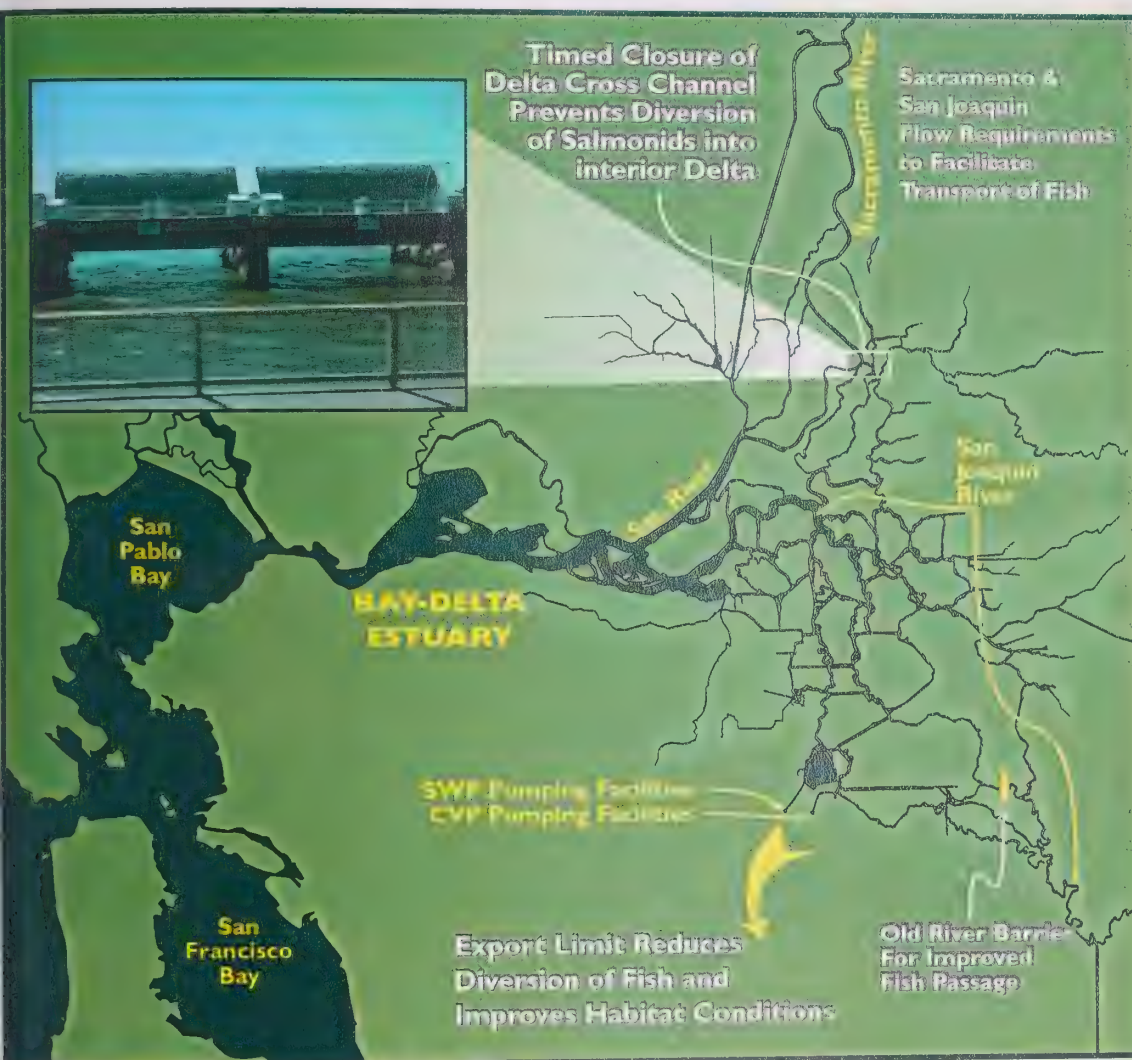
Sliding Scale: The number of days that placement of X2 must remain at the measuring locations is determined by a “sliding scale,” whereby the number of X2 days for each month is determined from the previous month’s runoff. Thus, the sliding scale permits the standard to respond to natural hydrologic runoff patterns.

When natural runoff in the Central Valley is high, Delta outflow will be high. When runoff from the watershed is low, Delta outflow will be low. In this way, the Bay-Delta ecosystem and water users each will share the benefits and hardships of wet and dry years.

Category II: Controls on Water-Project Operations

In addition to outflow requirements, the Agreement includes protective operational controls on the State Water Project, the federal Central Valley Project, and eventually, other water users. These controls fall into several categories:

- 1) *Delta Cross Channel gate closures:* the Delta Cross-Channel diverts flows from the Sacramento River into the interior Delta for transport to the pumping facilities in the southern Delta. The Channel also diverts migrating fish into the interior Delta, where they are more susceptible to mortality from predation.



Category II Measures

tors, unscreened diversions, and poor water quality. To protect migrating fish, the Agreement requires closure of the Cross-Channel gates during most of the spring season when fish migration is high.

- 2) *Fish Barriers at Old River and other locations:* The parties agree to resolve biological concerns related to a barrier at the head of Old River, which should help reduce delays in emigration and entrainment losses of San Joaquin River juvenile chinook salmon at the state and federal export facilities. The Agreement also includes provisions regarding installation of an acoustical barrier at Georgiana Slough on the Sacramento River.
- 3) *Flow Requirements:* Besides controlling the location of X2 salinity, the

Agreement requires specific levels of freshwater flow in the Sacramento and San Joaquin Rivers to improve general aquatic habitat conditions. Flows provide a “homing cue” for migrating fish and also transport fish eggs, larvae, and young downstream and into the ocean for adult development.

- 4) **Export Restrictions:** The Agreement controls detrimental effects of export operations of the state and federal water projects by limiting total exports to a percentage of new inflow from the Bay-Delta watershed. In dry periods, when stress on habitat conditions is greatest, restrictions on water exports will be high. In wet periods, when there are abundant water supplies to meet multiple uses, exports and diversions will be allowed to increase.

Category III: Non-flow-related factors

In the negotiations leading to the December 15 Agreement, the water user community concluded that a comprehensive program of Bay-Delta protections must include, in addition to the flow and operational components of the Agreement, measures to address the variety of non-flow-related factors that have contributed to the historical decline of Bay-Delta ecological resources. These factors (termed “Category III”) include:



There are about 1800 unscreened water diversions in the Delta. These diversions pump flows roughly equivalent to those of the combined State and Federal water projects. High levels of fish mortality result.

- 1) Unscreened water diversions (the Agreement makes this factor the highest priority);
- 2) Pollution from municipal, industrial and agricultural discharges;
- 3) Overfishing and illegal fishing;



- 4) Degradation of habitat due to levees and channelization;
- 5) Degradation of wetlands and other critical terrestrial habitat; and
- 6) Proliferation of harmful non-native species.

To demonstrate their resolution to address these factors, the water user community agreed to provide by February 15, 1995 an initial financial commitment of \$10 million annually for three years for Category III projects. Metropolitan Water District of Southern California has guaranteed that commitment.

Planning and Funding

Implementation of Category III programs will include two primary steps: (1) identifying the most appropriate projects; and (2) securing the funding necessary to carry out those projects. Identification of potential projects will require detailed analysis of their environmental benefits and how the projects would fit into other Bay-Delta protective measures. A team consisting of water agencies, environmentalists, and CALFED representatives will develop a detailed Category III implementation plan before publication of the final state standards.

Because the Agreement estimates that Category III measures will require up to \$60 million annually, the specific sources of this funding must be determined. Contributors could include the water user community and the state and federal governments, and a portion of the financing may come from redirection or reprioritization of currently authorized funds. Options for generating state funding include direct per-project financing by resource agencies, annual appropriations from the Legislature, bond issuances, and a water-user fee.

Wherever possible, Category III projects should be coordinated with plans under the Central Valley Project Improvement Act, the San Francisco Estuary Project's Comprehensive Conservation and Management Plan, and other existing environmental restoration and mitigation programs. Parties must make decisions about Category III implementation in an open and collaborative process.

Monitoring and Response

The December 15 Agreement calls for an aggressive program for monitoring the effects of new standards on overall habitat conditions. Because the science underlying the standards is complex and constantly evolving, aggressive monitoring and evaluation is necessary to generate the information needed to assess the overall effectiveness of the environmental protections. This understanding will support flexible application and future adjustments of standards.

Section 2

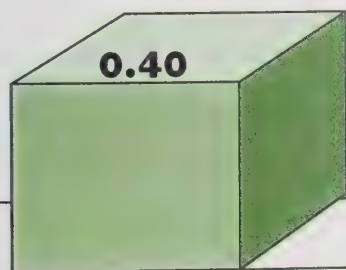
Reducing Supply Impacts Through Flexibility

Several of the measures in the December Agreement contain elements of flexibility that have the net effect of reducing overall water supply impacts while maintaining high levels of environmental protection.

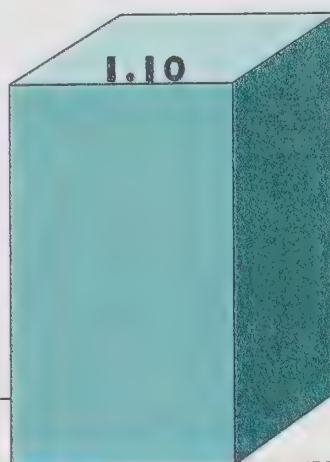
Sliding Scale: The sliding scale adjusts the number of days required to maintain X2 at a particular measuring station depending on natural hydrologic conditions. When natural runoff in the Central Valley is high, Delta outflow will be high. When runoff from the watershed is low, Delta outflow will be low. In this way, the Bay-Delta ecosystem and water users each will share the benefits and hardships of wet and dry years.

ESTIMATED WATER SUPPLY IMPACTS OF NEW STANDARDS

Million acre-feet annually above
State Decision 1485 requirements



Normal Water Year



Drought Conditions

Flexibility of new standards concentrates supply impacts in dry periods, when stress to the Bay-Delta ecosystem is greatest.

Exports as Function of Delta Inflow: Like the sliding scale, export limits in the Agreement modify the percentage of Delta inflow available for export based on natural hydrologic conditions. In dry periods, when stress on habitat conditions is great-

When the take of endangered species approaches dangerous levels:

YELLOW LIGHT



RED LIGHT



CALFED will attempt to modify operations to keep take below levels that would trigger additional export curtailments

“Yellow light/red light” approach to take limits.

est, restrictions on water exports will be high. In wet periods, when there are abundant water supplies to meet multiple uses, exports and diversions will be allowed to increase.

Reliance on Adaptive Management: The Agreement includes institutional modifications that permit flexible application of the standards while maintaining environmental protections and water supply reliability. CALFED will have authority to set state and federal pumping rates either above or below the nominal export standard. This adaptive approach will keep loss of endangered fish species at acceptable levels while assuring high reliability to the state and federal water projects. In essence, pumping restrictions will increase when fish populations are at risk and relax when pumping is safe.

All of these tools utilize flexibility and responsiveness to minimize water supply impacts of environmental protections.

Section 3

Institutional Implications



State Commitment

The December Agreement signals reaffirmation of the State of California, the water-using community, and the environmental community to a strong program of environmental protection, while providing adequate water supply reliability for the state economy.

During 1993, the federal government substantially increased coordination among its various regulatory agencies through establishment of the Federal Ecosystem Directorate (known as Club FED), which includes the U.S. Environmental Protection Agency, Fish and Wildlife Service, Bureau of Reclamation, and National Marine Fisheries Service. The creation of Club FED and the assertive and capable leadership of the Department of the Interior resulted in an institutional environment conducive to a productive partnership between the state and federal governments and the stakeholder communities.

In effect, the December Accord puts California water policy back on the track of Governor Wilson's April 1992 Water Policy Statement, which committed the state to environmentally and economically sound policies in the Bay-Delta.

ESA Implementation

For several years, Endangered Species Act actions have generally supplanted state control over the Bay-Delta. In addition, several interests believed that ESA implementation decisions needed to integrate important policy considerations earlier in the

decision-making process.

The Agreement modifies several aspects of Endangered Species Act implementation. Most importantly, the Agreement establishes a State/Federal process (CALFED) that can flexibly apply standards to address both endangered species needs and water supply reliability considerations.

Consistency of ESA Actions with Principles of Agreement

Future ESA actions (including biological opinions, take limits, recovery plans, listing decisions, and critical habitat designations) are intended to conform with the principles of the Agreement. Compliance with take limits contained in biological opinions is intended to result in no additional losses of water supply annually. To implement this principle, CALFED's Operations Group will develop operational flexibility through adjustment of export restrictions.

No Additional Water Cost from New Listings

The measures contained in the Agreement are intended to provide sufficient habitat protection for currently listed endangered and threatened species and to create conditions in the Bay-Delta that avoid the need for any additional listings in the near future. If federal agencies determine that additional water is necessary to protect endangered species not currently listed, the federal government will have the responsibility for acquiring that water through voluntary purchases financed with federal funds. This feature of the Agreement represents Secretary of the Interior Bruce Babbitt's "deal is a deal" policy.

Flexible Approach to Control of Fish Loss at Export Facilities

Until now, federal protection measures have largely controlled exports at state and federal pumping facilities. The December Agreement creates a new forum for making decisions on how to manage the water projects for protection of endangered and threatened species. The CALFED agencies (which include both federal and state resource and water supply agencies) will attempt to resolve operational issues affecting listed species by mutual agreement. Only if disagreements over operational issues cannot be resolved through CALFED will the issue be resolved by the resource agency with direct ESA jurisdiction.

Thus, while the Agreement does not affect the underlying authority of agencies that must implement ESA, it is intended to integrate important policy considerations earlier in the ESA implementation process. This earlier integration will reduce conflict between federal and state entities.

Under the December Agreement, CALFED has the authority to set state and federal pumping rates either above or below the nominal export standard. This technique,



State Water Project's Banks Pumping Plant, where water is pumped from the Delta into the California Aqueduct for urban and agricultural use.

called “adaptive” or “real-time” management, seeks to keep the take of listed species at acceptable levels while assuring high reliability to the state and federal projects. In essence, pumping will be reduced when fish populations are at risk and expanded when pumping is safe. An intensified biological monitoring program will help generate the information needed to allow these modifications in pumping constraints.

Section 4

Implementation of the Agreement

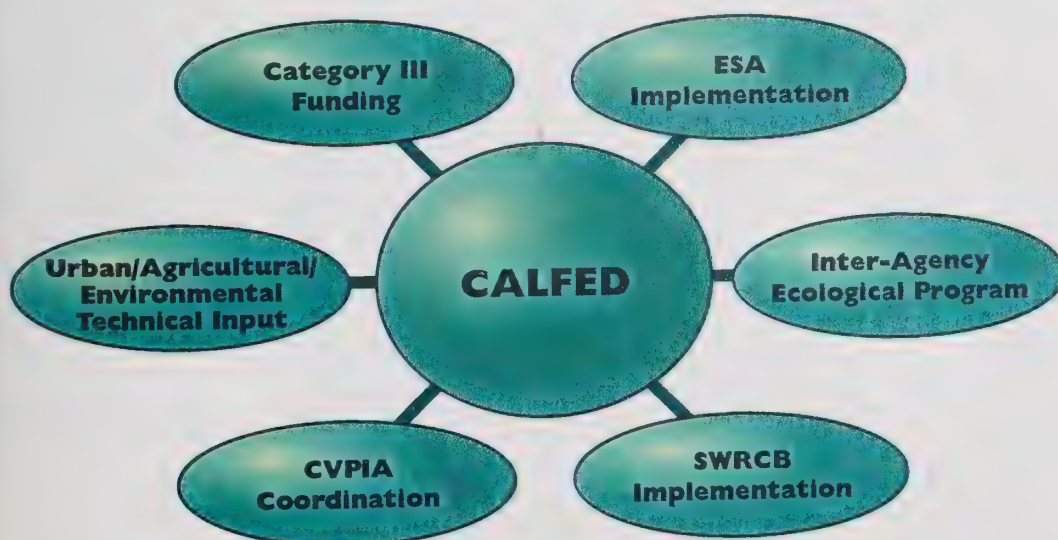
Successful implementation of the Agreement will rely on several critical factors:

Continuation of Consensus-Building Among Diverse Interests

The December Accord was achieved only because the interested parties and agencies were able to put aside their differences and concentrate on finding common ground on which to build constructive solutions. Because successful implementation of the Agreement will involve many challenges, it is imperative that the agencies and interest groups continue the consensus approach that has been successful to this point. Cooperation will be especially vital for the success of the new CALFED process for flexible management of water project operations to meet Endangered Species Act requirements.

Coordination of CALFED with Other Programs

There are several state and federal programs that address Bay-Delta issues. To maximize the effectiveness of the principles of the December Agreement, CALFED must



attempt to coordinate the activities of other programs such as State Water Resources Control Board implementation, the San Francisco Estuary Project, and others.

Central Valley Project Improvement Act.

It is vital that state and federal agencies integrate measures stemming from the December 15 Agreement with implementation of the federal Central Valley Project Improvement Act (CVPIA), including allocation of up to 800,000 acre-feet of CVP yield for environmental purposes and the anadromous fish doubling program. The Agreement provides that CVP supplies required to meet new state standards will be fully credited against the 800,000 acre-feet of CVP yield dedicated by the CVPIA for environmental purposes.

Development and Funding of Category III measures

Parties to the Agreement must expeditiously develop and prioritize Category III projects and identify funding mechanisms. Category III projects also must be coordinated with other Bay-Delta protective measures and with long-term Bay-Delta planning processes.

Allocating responsibility for meeting flow requirements

The State Water Resources Control Board (State Board) is responsible for initiating water rights proceedings in order to achieve the goals contained in the December 15 Agreement.

Traditionally, the two major exporters from the Delta (the State Water Project and the federal Central Valley Project) have borne the entire responsibility of meeting Bay-Delta water quality standards and flow requirements. In the near term, these two large projects will



be required, once again, to fully meet the environmental requirements of the new standards. Over time, the State Board has the responsibility to consider the role of all water users in the watershed in assuring adequate environmental protection for the Bay-Delta system. California's water suppliers have committed to a consensus-based approach for addressing this difficult issue. Eventually, the State Board will determine broader responsibilities for implementing the standards. Allocation of this responsibility must be consistent with principles of California water law.





- Stakeholder groups must support the planning process through open and collaborative participation.
- CALFED should assess the role that Category III programs will play in a long-term comprehensive plan and should recommend priorities for these projects.
- CALFED should consider the significant institutional, legal, and financing issues associated with a long-range comprehensive Bay-Delta plan.

Organizational Units of CALFED

The Governor and U.S. Secretary of the Interior will oversee the CALFED process and jointly appoint members of a citizens' advisory council.

- CALFED, consisting of high-level officials of federal and state resource agencies, will provide policy direction and oversight to the process and ensure consistency between the program's policy and statutory requirements. While the Governor and Secretary of the Interior have ultimate approval authority over this process, functional decision-making responsibility will rest with CALFED.

- A citizens' advisory group consisting of representatives from the urban, agricultural, and environmental communities will recommend issues CALFED should address, suggest evaluation criteria for alternative Bay-Delta planning components, and recommend preferred alternatives.
- The Program Manager will: (1) be responsible for development and implementation of the solution-finding process; (2) be responsible to CALFED and work closely with the citizens' advisory council; (3) direct the daily activities of the joint state/federal Program Team; (4) serve as the primary point of contact under NEPA/CEQA for public input and overall program comments; and (5) be responsible for coordination with the Central Valley Project Improvement Act (CVPIA), Comprehensive Conservation Management Plan (CCMP), and other ongoing state and federal programs. CALFED will select the Program Manager from a pool of qualified candidates.
- The Joint state/federal Program Team will include staff from state and federal agencies with expertise in subject areas such as water supply, biological resources, water quality, levees and channels, NEPA/CEQA, and administrative and budgetary issues.
- Technical teams will work under the Joint Program Team and will provide technical assistance on specific projects or components of the long-range planning process. The technical teams would include staff from State, local, and Federal agencies and might include outside experts and consultants as needed for special subjects such as hydrodynamics, toxicology, biostatistics, etc.



PRINCIPLES FOR AGREEMENT ON BAY-DELTA STANDARDS BETWEEN THE STATE OF CALIFORNIA AND THE FEDERAL GOVERNMENT

Preamble

In order to provide ecosystem protection for the Bay-Delta Estuary, representatives of the State and Federal governments and urban, agricultural and environmental interests agree to the implementation of a Bay-Delta protection plan through the California State Water Resources Control Board (SWRCB) consistent with the following principles. These Principles describe changes to the California Urban Water Agency/Agricultural Water Users (CUWA/AG) proposal as the base case for Bay-Delta protections, which are intended to be in force for three years, at which time they may be revised.

Water Quality Standards and Operational Constraints

1. February Protections: Subject to the flexibility provisions described below, the exports during February shall be no greater than 35% of Delta inflow in years when the January Eight River Index is greater than 1.5 million acre feet (MAF). If this index is less than 1 MAF, the allowable exports will be 45% of Delta inflow. If this index is between 1 and 1.5 MAF, operational decisions will be made by the California Water Policy Council and Federal Ecosystem Directorate (CALFED) Coordination Group (Ops Group) as set forth in the Exhibit B of the Framework Agreement of June 1994. (The CALFED process is described in Attachment A.)

2. March through June Protections: During March through June, exports shall be no greater than 35% of Delta inflow, subject to the flexibility provisions described below.

3. July through January: During July through January exports shall be no greater than 65% of Delta inflow, subject to the flexibility provisions described below. Criteria for exercising this flexibility will be developed by the Ops Group.

4. X-2 Protection Measures: X-2 protection shall be based on the CUWA/AG proposal with the following adjustment. The Chipps Island requirement in February will be zero days when the Eight River Index in January is less than 0.8 MAF and 28 days when it is greater than 1.0 MAF with linear interpolation between 0.8 and 1.0 MAF. The requirement at the confluence shall be 150 days, except that when the May 1 90% forecast of the Sacramento River Index is less than 8.1 MAF, the maximum outflows for May and June shall be 4,000 cfs, with all other flow requirements removed. When the February index falls below 0.5 MAF, the requirement for March will be reviewed by the Ops Group. Additional refinements, which will involve no further water costs above those which are required for this paragraph may subsequently be made.

5. San Joaquin River Protection Measures: The protection measures will consist of the narrative standard and implementation provisions agreed to on December 12, 1994 (Attachment B). In addition, export limits during the April/May 30-day pulse flow period will be consistent with the CUWA/AG proposal. The parties agree to take immediate actions, as appropriate, to resolve the biological concerns related to the removal of the barrier and to provide adequate transport of fisheries consistent with the CALFED process

identified in Attachment C. If biological problems arise before the solution(s) can be implemented, resolution of these concerns shall be made within CALFED.

6. Additional Modifications to CUWA/AG Proposal: Daily export limits shall be based on the average Delta inflow over the preceding three days under balanced conditions as defined in the Coordinated Operation Agreement or fourteen days under unbalanced conditions.

During the period November to January, the Delta Cross Channel will be closed a maximum of 45 days. The timing and duration of the closures will be determined by the Ops Group.

During the period May 21 through June 15, the Delta Cross Channel may be rotated closed four days and open three days, including the weekend.

ESA FLEXIBILITY

1. No Additional Water Cost: Compliance with the take provisions of the biological opinions under the Federal Endangered Species Act (ESA) is intended to result in no additional loss of water supply annually within the limits of the water quality and operational requirements of these Principles. To implement this principle, the Ops Group will develop operational flexibility through adjustment of export limits.

2. Real Time Monitoring: To the maximum extent possible, real time monitoring will be used to make decisions regarding operational flexibility. CALFED commits to aggressively develop more reliable mechanisms for real time monitoring.

3. Additional Study Programs: CALFED commits to aggressively pursue study programs to develop information allowing better decisions to be made about managing the Estuary and its watershed.

4. Operational Flexibility: Decisions to exercise operational flexibility under the Ops Group process may increase or decrease water supplies in any month and must be based on best available data to ensure biological protection and be consistent with the Federal and State Endangered Species Acts.

5. Dispute Resolution: Any disputes within the Ops Group will be resolved by CALFED, as set forth in Attachment A.

CATEGORY III -- NON FLOW FACTORS

1. Principles: Implementation of Category III principles will be consistent with the principles set forth in Attachment C.

2. Financial Commitment: The water user community agrees to make available by February 15, 1995, an initial financial commitment of \$10 million annually for the three years of these interim standards to fund Category III activities. Metropolitan Water District of Southern California (MWD) will guarantee this commitment. Subsequent financial agreements relative to Category III will credit this early commitment of funds to MWD's obligation.

INSTITUTIONAL AGREEMENTS

1. EPA Standards: Consistent with the Framework Agreement, EPA commits to withdraw Federal standards pursuant to the Clean Water Act when the SWRCB adopts a final plan consistent with these Principles.

2. Endangered Species Act

a. Limitation To Aquatic Species: These Principles apply only to aquatic species affected in the Bay-Delta Estuary.

b. Impacts of Additional Listings: This Plan, in conjunction with other Federal and State efforts, is intended to provide habitat protection sufficient for currently listed threatened and endangered species and to create conditions in the Bay-Delta Estuary that avoid the need for any additional listings during the next three years. To the extent that due to unforeseen circumstances in the Estuary, or to factors not addressed in the Plan, additional listings may be required, it is understood that protection of these species shall result in no additional water cost relative to the Bay-Delta protections embodied in the Plan and will, to the maximum extent possible, use the flexibility provided within Section 4(d) of the ESA. Additional water needs will be provided by the Federal government on a willing seller basis financed by Federal funds, not through additional regulatory re-allocations of water within the Bay-Delta.

c. Other Endangered Species Issues: To the extent consistent with the requirements of Federal and State ESAs, all other actions related to this Plan required to

implement the Acts as they affect the Bay-Delta, including but not limited to future biological opinions, incidental take statements, recovery plans, listing decisions and critical habitat designations, are intended to conform to these Principles, and decisions regarding ESA implementation will be made utilizing the CALFED process.

3. Central Valley Project Credits. All CVP water provided pursuant to these Principles shall be credited toward the CVP obligation under Section 3406 (b) (2) of the Central Valley Project Improvement Act to provide 800,000 acre feet of project yield for specified purposes.

4. Immediate Implementation:

a. Biological Opinions: It is agreed that there will be an immediate reconsultation on the biological opinions currently governing project operations with appropriate modifications by the end of 1994, to the extent practicable, to conform with the requirements of these Principles.

b. State Implementation: Consistent with the Framework Agreement, the SWRCB will finalize the Plan and immediately thereafter initiate water right proceedings to implement the adopted Plan. In implementing the Plan, the SWRCB will act in compliance with all provisions of law which may be applicable, including, but not limited to, the water rights priority system and the statutory protections for areas of origin.

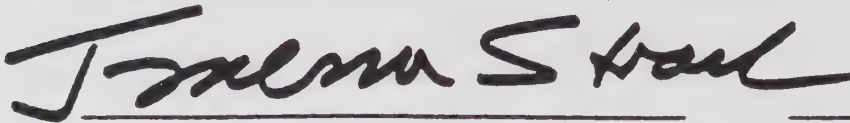
5. SWRCB Authority: Variations in the operational criteria approved by the CALFED process in accordance with the above provisions will be communicated to the Executive Director of the SWRCB for appropriate action, if any, if accordance with the Plan.


6. Authority under State and Federal ESA's: Any actions or decisions of the Ops Group or CALFED which would create or alter requirements under the State or Federal ESA's shall be communicated, as appropriate, to the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or California Department of Fish and Game for appropriate processing consistent with the provisions of the State and Federal ESA's.

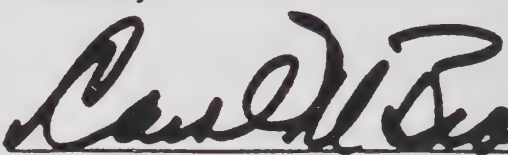
7. Legal Consistency: All provisions of this agreement are intended and shall be interpreted to be consistent with all applicable provisions of State and Federal law.


 Douglas B. Wheeler
 Secretary, California Resources Agency



 Bruce Babbitt
 Secretary of the Interior



 James M. Strock
 Secretary for Environmental Protection
 California Environmental Protection Agency

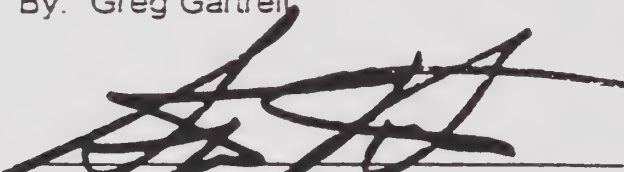

 Ronald H. Brown
 Secretary of Commerce

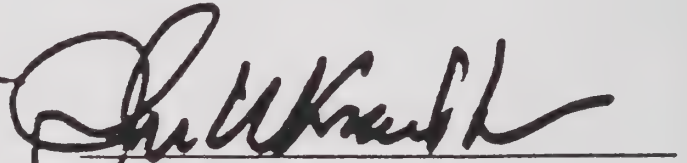

 Carol M. Browner
 Administrator
 Environmental Protection Agency

INTERESTED PARTIES

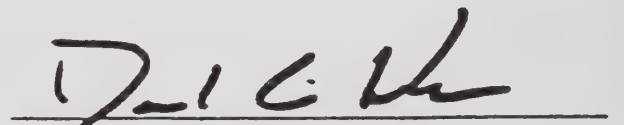

 Walter J. Bishop
 Contra Costa Water District
 By: Greg Gartrell



 Gary Bobke
 The Bay Institute



 Stephen K. Hall
 Association of California
 Water Agencies


 John Krautkraemer
 Environmental Defense Fund


 Anson K. Moran
 California Urban Water Agencies


 Daniel G. Nelson
 San Luis-Delta Mendota Water Authority


 David R. Schuster
 Kern County Water Agency and
 Tulare Lake Water
 Storage District


 John R. Wodraska
 Metropolitan Water District
 of Southern California

Attachment A

The "CALFED process" referred to herein consists of the following steps:

Initial deliberations and decisions occur in the "Ops Group." "Ops Group" deliberations shall be conducted in consultation with water user, environmental and fishery representatives.

If the Ops Group disagrees on a particular issue, or if an Ops Group action requires additional water that it is believed cannot be made up within existing requirements, the issue will be decided by CALFED.

If CALFED cannot reach agreement, and if the issue involves listed species, a final decision will be made by the appropriate listing agency. Other issues not involving ESA will be decided by the appropriate regulatory or resources management agency.

Attachment B

Narrative Criteria for Chinook Salmon on the Sacramento and San Joaquin Rivers

Water quality conditions shall be maintained, together with other measures in the watershed, sufficient to achieve a doubling of production of chinook salmon, consistent with the mandates of State and Federal law.

Implementation Measures - San Joaquin River System

1. Not later than three years following adoption of this Plan, the SWRCB shall assign responsibility for the following flows, together with other measures in the watershed sufficient to meet the narrative criteria, in the San Joaquin River at Vernalis among the water right holders in the watershed. During this three-year period, the Bureau of Reclamation shall provide these flows, in accordance with the biological opinion for Delta smelt. These flows are interim flows and will be reevaluated as to timing and magnitude (up or down) within the next 3 years.

<u>Feb-June Flows (cfs)*</u>		<u>April-May pulse flows (cfs)*</u>
C	710-1140	3110-3540
D	1420-2280	4020-4880
BN	1420-2280	4620-5480
AN	2130-3420	5730-7020
W	2130-3420	7330-8620

*higher flows provided when the 2 ppt isohaline (x2) is west of Chipps Island.

2. Install a barrier at the head of Old River during the April-May pulse flows.

3. During the 3-year period, decisions by the Federal Energy Regulatory Commission (FERC) or other regulatory orders may increase the contribution from other upstream water users into the Estuary. These additional flows will benefit the Delta resources. These flows will be recognized by ClubFED in its calculation of flows available to the Delta and be considered by the SWRCB in its assignment of responsibility among the water rights holders in the watershed during its water rights proceeding.

The SWRCB will initiate a water rights proceeding to assign responsibility for meeting these flow requirements. Actions of the NMFS and FWS in the FERC proceedings will be in furtherance of their authority and responsibility under the ESA. Such actions shall not be intended to assume the responsibility of the SWRCB to assign responsibility for meeting water quality standards in the Delta.

Sacramento River System - Additional Measures

Close the Delta Cross Channel gates from February-May 20, and during half of the period from May 20-June 15.

Attachment C

PRINCIPLES FOR IMPLEMENTATION OF CATEGORY III

The State and Federal governments and agricultural, urban and environmental interests are committed to the implementation and financing of "Category III" measures as an essential part of a comprehensive ecosystem protection plan for the Bay-Delta Estuary.

To achieve this objective we agree to the following principles:

1) Level of funding:

Category III activities are expected to require a financial commitment estimated to be \$60 million a year.

2) Sources of funds:

It is anticipated that new sources of funds will be required to adequately finance Category III activities. A process for evaluating existing funding and possible reprioritization will be used to finance a portion of Category III activities. Additional funds will be secured through a combination of Federal and State appropriations, user fees, and other sources as required.

3) Monitoring:

It is further agreed that monitoring is a high priority in addition to the Category III elements, and has a high priority for separate funding.

4) Unscreened Diversions:

It is agreed that the highest priority Category III activity for funding is the screening of currently unscreened diversion points in the Bay-Delta watershed. An evaluation of the benefits of a screening program for listed species will be conducted immediately and used to improve listed species survival no later than during the 95/96 water year.

5) Consensus Process:

CUWA/Ag will work with CALFED and environmental interests in an open process to determine precise priorities and financial commitments for the implementation of all Category III elements. The CUWA/AG work plan currently being developed will be revised consistent with these Principles.

6) Deadline:

This process will be under the sponsorship of CUWA/AG, which commits to an open and collaborative approach involving CALFED and the environmental community. It is agreed that detailed implementation for these Principles will be finalized before publication of the final SWRCB standards, which is currently planned by March 31, 1995.

MEDIA COVERAGE OF BAY/DELTA AGREEMENT

PUBLICATION	TITLE	DATE
San Francisco Chronicle	<i>Accord Reached On Water Rights</i>	12/15/94
Oakland Tribune	<i>EPA To Announce Standards For Bay-Delta Water Quality</i>	12/15/94
Orange County Register	<i>State, U.S. To Announce Water-Standards Accord</i>	12/15/94
San Francisco Chronicle	<i>"Peace Has Broken Out" In Water Ward, Wilson Says</i>	12/16/94
Daily News	<i>Agreement Reached On Water Use</i>	12/16/94
San Francisco Chronicle	<i>An Historic Water Accord</i>	12/16/94
Oakland Tribune	<i>Deal Aids Hard-Hit Bay-Delta System</i>	12/16/94
San Francisco Chronicle	<i>Good Sense Outweighed Politics In Water Accord</i>	12/16/94
San Jose Mercury News	<i>Historic Water Agreement Just The Beginning</i>	12/16/94
Los Angeles Times	<i>Landmark Accord Reached On Use Of Bay-Delta Water</i>	12/16/94
San Gabriel Valley Tribune	<i>State Water Quality Pact Called Historic</i>	12/16/94
Sacramento Bee	<i>State, U.S. Iron Out Deal To End Delta Water Wars</i>	12/16/94
Contra Costa Times	<i>Truce Won't Dry East Bay Water Up</i>	12/16/94
New York Times	<i>U.S. And California Reach Pact To Regulate Flow Of Fresh Water</i>	12/16/94
Washington Post	<i>U.S., State Issue Plan To Aid Northern California's Environment</i>	12/16/94
San Francisco Chronicle	<i>WATER: U.S., State Officials Hail New Pact</i>	12/16/94
The Bakersfield Californian	<i>Water Pact Leaves Unresolved Conflicts, Faces More Hurdles</i>	12/17/94
Sacramento Bee	<i>A Truce In The Delta</i>	12/20/94
Los Angeles Times	<i>Saving The State's Lifeblood: That Historic Water Accord</i>	12/20/94
Washington Post	<i>Big Win In California</i>	12/21/94
Seattle Post-Intelligencer	<i>The Bay Area's Model Water Fix</i>	12/21/94
The Press-Enterprise	<i>Water High Point</i>	12/21/94
The Sacramento Bee	<i>An Armistice On Water War</i>	12/23/94
The California Environmental Insider	<i>Peace At Hand In Delta Water Wars?</i>	12/31/94

Landmark Accord Reached on Use of Bay-Delta Water

By FRANK CLIFFORD
TIMES ENVIRONMENTAL WRITER

In an historic accord that marks at least a temporary end to the bitter struggle over California's most precious water resource, Gov. Pete Wilson and senior members of the Clinton Administration signed an agreement Thursday to protect the Sacramento Delta estuary and provide reliable water supplies to farms and cities across the state.

Flanked by Secretary of the Interior Bruce Babbitt and U.S. Environmental Protection Agency administrator Carol Browner, Wilson declared that the three-year accord "signals a cease-fire in the water wars that have too long plagued California."

"It puts an end to a bitter conflict that has persisted for decades," President Clinton said in a statement released by the White House. "This is a solution that serves all the people of California."

The agreement covering the delta inland from San Francisco Bay at the confluence of the Sacramento, San Joaquin and a host of lesser Northern California rivers calls for:

- New rules on how much fresh river water must be left in the delta for environmental needs, including the habitat of the endangered chinook salmon and delta smelt. In a normal year the amount will be 400,000 acre-feet. In severe drought years the total will be 1.1 million acre-feet.

- Three years of certainty about water supplies from the delta for farms and urban customers.

- Lesser curbs on water for the Metropolitan Water District of Southern California during drought years. Under the accord, the MWD will lose no more than 5% of its total water supply in severely dry years.

- New salinity standards for the delta and Suisun Bay, the nation's largest brackish marsh and a nursery for many of the estuary's 120 species of fish.

- Payment by the federal government if any more water is needed to help any species that become newly endangered.

Many environmental groups endorsed the first accord, although it closely parallels proposals by a coalition of urban and agricultural

It will provide "an affordable and reliable future water supply," said John R. Wodraska, general manager of the Metropolitan Water District, which delivers water to 16 million Southern California customers.

"This is really a big deal for California agriculture," said Dan Nelson of the San Luis and Delta-Mendota Water Authority, one of the largest water users in the Central Valley. The agreement has been coming together for several months, but pulling it off required a final week of marathon negotiations and significant federal concessions over how much water is required to support the delta's ailing aquatic life.

Often described as a crossroads of environmental and economic interests, the delta is the largest wetland habitat in the western United States. It also collects half of the state's annual runoff, provides 60% of the fresh water used in California and is the source of irrigation water for 45% of the nation's fruits and vegetables.

The accord "finally secures significant environmental improvements for the bay-delta estuary," said John Kraukraemer of the Environmental Defense Fund.

However, the enthusiasm was not universally shared among environmental activists.

"On the basis of respected independent scientists, there is no assurance that California salmon will survive this political compromise," said state Sen. Tom Hayden (D-Santa Monica).

For the Clinton Administration, which is girding for a Republican assault on a variety of environmental regulations, the pact offers an opportunity to argue that it can be flexible on crucial issues. That is particularly so in regard to one of the most embattled conservation laws, the Endangered Species Act.

"It [the agreement] allows us a very powerful case study that the Endangered Species Act is workable and can play an important role in finding the balance between the economy and the environment," Babbitt said.

For Wilson, who has been accused in the past of walking away from potential solutions to the delta impasse, the signing ceremony at the state Capitol was a

He had insisted that he would not go along with any plan that did not change the way that federal agencies, in charge of administering the Endangered Species Act, dictated the flow of water available to consumers.

Wilson has contended that implementation of the act led to arbitrary interruptions of water supplies that made it impossible for water agencies to calculate future supplies or costs.

Yet it was a series of events independent of the governor that created much of the impetus for the accord.

Momentum for an agreement began after the EPA, reacting to a refusal by Wilson to set delta protection standards, announced that it would step in to impose federal rules. Then last March, Standard & Poor's warned that if something wasn't done to end the delta water dispute, the state's credit rating, already hurt by the recession, could be further weakened.

By midsummer, negotiations between state and federal officials began to show progress on one of the most important elements in the accord—a standard to govern how much water must be allowed to flow past diversion pumps in order to establish a healthy balance between fresh and salt water in the estuary.

Meanwhile, progress on another front was being made by a coalition of urban and agricultural water users under the leadership of Wodraska and Nelson.

They began lobbying in Washington and Sacramento for a plan that became the basis for the accord. The Wilson Administration endorsed the plan, which called for reserving several hundred thousand acre-feet less water for envi-

Continued...

SPECIAL

ronmental needs in critically dry years than was being recommended by federal officials.

Some of the same environmentalists who ultimately signed the accord argued that the coalition's plan would lead to the extinction of endangered fish.

But the Republican Party's triumph in the November election changed the political environment in such a dramatic way that the coalition's proposal, with some modification, began to look like the best deal that might be struck on the delta.

Conclusion**Delta Agreement**

State and federal officials announced a plan to restore the environmental health of the estuary that stretches from San Francisco Bay to the Sacramento-San Joaquin Delta.



Here are the key points of the agreement:

- New standards for salinity of delta water and Suisun Bay, the nation's largest brackish marsh.
- Water guaranteed for environmental needs in the delta: 400,000 acre-feet in normal years, 1.1 million acre-feet in extreme drought years.
- No new species to be listed as threatened for at least three years.
- Increased role of the state in delta water policy.
- Water users will bankroll fund to reduce fish loss by installing screens and other steps.

An Historic Water Accord

CONSENSUS and commonsense have overcome the gridlock that for decades has prevented proper management of the Sacramento-San Joaquin Delta and San Francisco Bay. The historic federal-state water-quality accord announced yesterday is the beginning of the end of almost 20 years of bitter and unproductive bickering among agricultural, urban and environmental interests.

The standards at least minimally satisfy all interests

As such, it represents a giant step toward meeting two conflicting goals: reversing the historic decline of marine species in the bay-delta estuary through, among other things, more strin-

gent limits on water exports to farms and cities; at the same time guaranteeing those same interests reliable and predictable supplies of drinking water and irrigation to sustain 20 million Californians and an agricultural base that provides 45 percent of the nation's fruits and vegetables.

The bay-delta estuary's water is nothing less than the lifeblood of California's economy and environment — a finite resource that has come under the pressure of seemingly infinite demands. In meeting those demands, the estuary has suffered irreparable damage, affecting fish and wildlife habitat throughout the watershed.

Yesterday's accord brought together for the first time all the various interests that have done battle over that resource for almost 20 years and demonstrated that, working together, they could find a way to at least minimally satisfy all user interests while still leaving enough water in the rivers and bays for the survival of the salmon, smelt, bass and other species whose numbers have plummeted in recent decades.

A lot of people deserve a lot of credit, especially Governor Wilson and the key representatives of the Clinton administration, Felicia Marcus of the Environmental Protection Agency and Betsy Rieke of the Interior Department. San Francisco's Andy Moran, representing urban water users, played a key role, as did many of the Bay Area's environmental advocates. Thanks and congratulations, to all.

Historic water agreement just the beginning

■ **Tough task:** The foundation for a solution is laid, but the war could resume.

BY SCOTT THURM
Mercury News Staff Writer

SACRAMENTO — For all of its importance, Thursday's historic plan to better protect the Sacramento-San Joaquin River Delta is more a beginning than an end.

In the short run, thousands of farmers and 20 million Californians who rely on delta water have to figure out how to share the pain of improving conditions for fish and wildlife.

But in the long run, government officials, environmentalists and water users face even more difficult choices in balancing environmental needs with growing demand for water.

If the authors of Thursday's accord can strengthen their new-found mutual trust, they can shatter political gridlock and promote the construction of California's first new canals and reservoirs in about 20 years. If they can't, the water wars, lawsuits and name-calling will resume.

"This is not the solution to the delta's problems," said Steve Hall, executive director of the Association of California Water Agencies and a key negotiator. "This is the foundation on which a solution can be built."

That solution — expected to be developed over the next three years — might require even more extraordinary measures to help the delta's 120 species of wildlife, many of which have been ravaged by decades of diverting water away from San Francisco Bay to farms and cities.

Two species of fish — the winter-run Chinook salmon on the Sacramento River and the delta smelt — are listed as endangered. Federal wildlife officials Thursday postponed designating as threatened a third species — the Sacramento split-tail fish — and some biologists think up to a dozen additional species may merit special protection. Environmentalists also plan to seek additional water for the San Joaquin River, which has been reduced to little more than a trickle for much of the year.

But having agreed Thursday to cede as much as 30 percent of their water supplies in very dry years, farmers and cities have their own ideas for fixing the delta. One notion includes withdraw-

ing more water from California rivers with new dams and canals.

Such projects have been taboo for about two decades as environmentalists prevented construction of new plumbing projects until ecological conditions improved. Now, there's a plan to help fish and wildlife. And in the glow of that agreement, no one would rule out anything.

"Everything is on the table when we start those discussions" over a long-range delta plan, said Wayne White, head of the U.S. Fish and Wildlife Service's Sacramento office.

Everything? Including new dams and canals? "Absolutely. ... Facilities are on the table," echoed Barry Nelson of the Save San Francisco Bay Association.

White even floated the two most emotionally charged words in California water politics — Peripheral Canal — in discussing ways that fish could be helped by relocating the huge pumps that suck water out of the delta. Another project likely to resurface is a large reservoir near Los Baños, which would hold water taken from the delta in very wet years, when it presumably would not be

SPECIAL

missed.

Despite the challenges ahead, it's difficult to overstate Thursday's achievement. Gov. Pete Wilson shared a very crowded podium in the state Capitol with frequent nemesis Interior Secretary Bruce Babbitt and Environmental Protection Agency head Carol Browner. Equally as stunning, representatives of Central Valley farmers stood beside Los Angeles' water czar and environmentalists who had sued them both.

Wilson at one point compared the gathering to the Israeli-Palestinian peace accord, and as recently as a year ago, such a broad agreement on the delta seemed even more unlikely.

"I would say it's astonishing," said Felicia Marcus, head of the EPA's San Francisco office.

The delicately crafted compromise is similar to other, discarded delta-protection plans. Its biggest impact will be to limit the amount of water that can be pumped out of the delta in spring, when fish are considered particularly vulnerable.

This plan succeeded where others failed for three key reasons: First, federal wildlife officials ac-

cepted a more flexible regime in which pumping from the delta will be adjusted monthly, rather than once a year.

Second, they were willing to allow more water to be diverted in normal and wet years, in exchange for even tougher pumping limits in dry years. Fish and wildlife suffered acutely in the early years of the recent drought, when large-scale pumping continued even as the amount of water moving through the delta declined.

Third, federal officials agreed that they would not impose stricter pumping limits in the next three years, even if additional fish are added to the endangered-species list.

"Basically, what we're saying is a deal's a deal," Babbitt said. "We've made a deal, and if it turns out there are additional requirements of any kind, it'll be up to the United States and the federal agencies to find the water."

That gave farmers and cities the assurance they needed to accept large cuts in water deliveries. In the southern San Joaquin Valley, where the agreement will have its biggest bite, farmers could lose up to 75 percent of

their water in dry years. In urban areas, the impact should be far less severe — about 25 percent reductions under the worst circumstances.

Agreement on each of these points, participants said, seemed to create an atmosphere of trust that led to additional agreements. Ultimately, that produced Thursday's historic agreement.

"It just kept getting bigger," said Marcus, the EPA official.

WHAT THE PACT DOES

The California water accord:

- Centers on water quality standards for San Francisco Bay and the Sacramento-San Joaquin River Delta. More fresh water will be allowed to flow through the delta, holding down saltwater intrusion.
- Provides more reliable supplies for cities and farms, even though they will get somewhat less water. If more water is needed for newly endangered species, it will be purchased by the federal government from water users willing to sell.
- Means federal and state officials will jointly make environmental decisions in the delta, with the overall ecology in mind.
- Provides for closer coordination of the federal and state waterworks that divert water from the delta.
- Calls for greater environmental protections, such as installation of fish screens on water diversion pipes along the Sacramento and San Joaquin rivers, without increasing the costs of water.

Source: Associated Press

U.S. and California Reach Pact To Regulate Flow of Fresh Water

By JOHN H. CUSHMAN Jr.

Special to The New York Times

WASHINGTON, Dec. 15 — California and the Federal Government signed an agreement today on how to protect the water and the wildlife of the San Francisco Bay and its vast inland delta, resolving stubborn conflicts that for years had divided the region's farmers, city dwellers and conservationists.

Concluding a year of negotiations that had continued right up to a final court-ordered deadline, the two sides produced a far-reaching pact and turned a confrontation between a recalcitrant state and a determined Federal overseer into a compromise embraced by all sides.

The agreement is intended to preserve a vast but ecologically fragile estuary that holds the aquatic lifeblood of central California. If it succeeds in halting the watershed's prolonged environmental decline, it may prove to be a notable achievement in the Clinton Administration's effort to manage whole ecosystems rather than regulate one industry and one species at a time.

The arrangement establishes limits on how much fresh water can be diverted from the estuary to agriculture and cities, an effort to protect endangered fish species by insuring that the young fish survive their migrations and that their breeding grounds do not become too salty for survival.

Although both farmers and cities are expected to give up significant amounts of water under the plan, the agreement does not set forth exactly how much water, within the limits set today, will flow to which users. That kind of detail will be left to state and local officials to work out later.

Farmers will face the greatest costs year in and year out, while cities will feel the effects in mostly

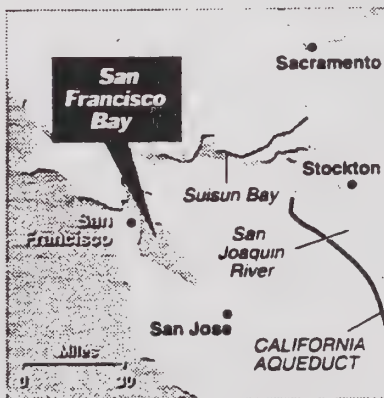
dry years, officials said. Commercial and recreational fisheries, they said, stand to gain economically.

Unlike plans for other ecosystems, like the old-growth forests of the Pacific Northwest or the Everglades in South Florida, which have met with widespread hostility, the plan for the Californian estuary was praised today by state officials and by representatives of the region's business, agriculture and environmental groups.

"I think that this is a model for the country," Carol M. Browner, the Federal Environmental Protection Administrator, said at the signing ceremony in Sacramento. "You can do it. It took a lot of patience, a lot of listening and a lot of communication."

Gov. Pete Wilson, who criticized the Clinton Administration last year over its initial plan for the estuary, heaped praise on the agreement.

Continued on Page A10, Column 1



The New York Times

An agreement on protecting water and wildlife near San Francisco resolves conflicts among farmers, city dwellers and conservationists.

Continued From Page A1

Bickering yields to praise for protection of a vital estuary.

calling it "a major victory of consensus over confrontation." Flanked by administration officers, state and local officials, environmentalists and agricultural representatives, he asked, "We are lacking only Yasir Arafat and Yitzhak Rabin." An issue of a watershed so thick with man-made plumbing that it can supply two-thirds of the state's water needs, the aqueducts running hundreds of miles to the region's farms and cities.

The delta is the source of drinking water for 20 million people. It also irrigates 200 different crops, including 45 percent of the nation's fruits and vegetables.

But the delta also harbors more than 120 species of fish. And when fresh water running toward the bay is diverted to cities and farms, salt water invades the 1,600-square-mile estuary, which extends east from San Francisco Bay nearly to Sacramento. Some fish species have been brought to the brink of extinction as

the water quality has declined, and efforts to resolve the problem have been paralyzed by fighting over the precious water among interest groups.

A year ago, under legal pressure from environmental groups complaining that the state had failed to enforce the Federal Clean Water Act, four Federal agencies stepped in and said they would impose a water quality plan on the whole region. They spelled out their proposal and said it would take effect no later than today.

But urban water managers and rural agricultural interests both believed that the initial Federal plan would set aside too much water for the estuary, worsening what the farmers like to call a "regulatory drought."

Resistance also came from the State of California.

Usually the states routinely set water quality standards for Federal approval under the Clean Water Act. But Governor Wilson had balked at doing so, citing problems posed by another Federal law, the Endangered Species Act, that he said made the task impossible. Indeed, Administration officials had feared right up to the end that Governor Wilson, viewed as a possible Republican Presidential contender, would continue to fight them.

But in the last 12 months, Federal and state officials have re-negotiated the initial plan, with the Administration agreeing to reduce the water reserved for environmental reasons. In the end, they whittled down that amount by about a fifth, from 500,000 to 400,000 acre feet in a year with normal rainfall. An acre foot is about 326,000 gallons, enough to keep two typical households supplied for a year.

The negotiators managed to make the reduction by asking scientists to come up with a new approach for calculating how much fresh water

would be needed to reach the desired salinity. The new measure, based on monthly measurements instead of rough annual estimates, is more accurate and more flexible, an official said.

They also agreed on ways of protecting fish other than increasing the flow of fresh water, such as operating pumps differently at times of the year when the young fish are most vulnerable and erecting protective barriers near pumping stations where the fish might be killed.

In addition, the Fish and Wildlife Service has set aside critical habitat for protection to shelter the delta smelt, which is listed as a species threatened with extinction.

A turning point in the talks came this summer, when a group of California business leaders urged the negotiators to reach an agreement.

Today environmentalists praised the final plan. "President Clinton and Governor Wilson deserve equal credit for setting aside their political differences to embrace this agreement," said Tom Graff, a lawyer with the Environmental Defense Fund.

U.S., State Issue Plan to Aid Northern California's Environment

By Gary Lee

Washington Post Staff Writer

The Clinton administration and California Gov. Pete Wilson (R), in an unusual show of bipartisan support for environmental protection, yesterday released a long-awaited plan to reallocate water resources in northern California in a bid to halt degradation of the region's ecosystem.

The program calls for a flow of fresh water, one of California's most fiercely disputed resources, into the labyrinthine delta of the Sacramento and San Joaquin rivers, which stretches from the San Francisco Bay almost to Sacramento. Over the past 15 years, the gradual depletion of fresh water from the estuary has threatened survival of native species of fish, wildlife and plants.

The plan also establishes salinity standards for the Suisun Bay section of the estuary and a blueprint for maintaining the nearby Suisun Marsh tidal wetlands and conserving local fish populations.

Announcement of the Bay/Delta protection plan at a news conference in Sacramento climaxes a decade and a half of disputes among environmentalists, agricultural interests and state officials about how to solve the region's water problems. Different parts of the complex ecosystem are regulated by different federal statutes. While the Clean Water Act establishes water quality standards, for example, the Endangered Species Act protects threatened animals and plants in the area.

The plan represents a rare attempt by diverse political interests to forge a compromise on a complex environmental issue. The overall package was crafted by officials from four federal agencies, including the

EPA Administrator Carol M. Browner, who flew to California for the announcement, called the plan "historic."

"What we have here is a triumph of common sense over politics as usual," she said. "We have moved beyond gridlock and arrived at a fair, sensible, cost-effective solution."

Browner also described the plan as a good example of how state and fed-

eral authorities can cooperate on environmental protection.

Wilson, who in the past avoided facing the politically controversial Bay/Delta issue and found fault with federal proposals to address it, also hailed the agreement at yesterday's news conference. Under an arrangement worked out by federal and state officials, California—which is ultimately responsible for enforcing allocation of state water resources—released its proposed standards yesterday. They are designed to coordinate with the federal standards and are expected to receive final approval in March. Once the state standards are approved, the federal plan will be withdrawn.

At present, hundreds of millions of

gallons of fresh water from the delta are pumped into agricultural businesses and urban areas throughout the region. Over the years, the outflow has depleted fresh water in the estuaries, and salt water has flowed in to replace it.

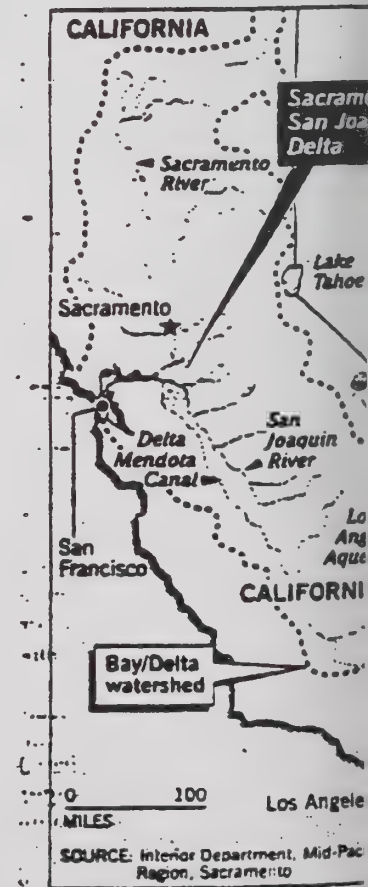
This process has negatively affected the Bay/Delta ecosystem. Two species of fish in the delta, the Chinook salmon and the delta smelt, have been listed as threatened. Hundreds of miles of wetlands, crucial to the region's ecological balance, have dried out.

Yesterday's announcement calls for 400,000 acre-feet of fresh water to be pumped into the delta in normal water years and up to 1.1 million acre-feet in years of extreme

drought. In the latter circumstance the federal government will help finance the supplies. One acre-foot equal to about 326,000 gallons.

The plan also includes the U.S. Fish and Wildlife Service's final designation of the critical habitat for delta smelt, and recommends measures to protect juvenile smelt. A federal plan for protecting winter Chinook salmon, issued in February 1993, will remain in force.

Interior Secretary Bruce Babbitt said at the news conference that the agreement illustrates how the Endangered Species Act, which has come under fire from industry and some conservative lawmakers, works to save the country's threatened ecosystems.



SPECIAL

Seattle Post-Intelligencer

A Hearst Newspaper

J.D. Alexander *Editor and Publisher*

John Currie *Business Manager*

Kenneth F. Bunting *Managing Editor*

Charles J. Dunsire *Editorial Page Editor*

Thomas A. Read *Associate Editor*

The voice of the Northwest since 1863



The Bay Area's model water fix

This is one instance where the adage "As goes California, so soon goes the nation" would be a welcome development.

As we in the Pacific Northwest struggle to make the Columbia River habitable for wild salmon, a heartening example of how to solve such politically complex, high-stakes environmental problems commands our attention in northern California.

The San Francisco Bay's inland, freshwater estuary and delta provide drinking water for 20 million people, harbor 120 species of fish and irrigate 200 different crops — including 45 percent of the nation's fruits and vegetables.

But water diversions have left the delicate estuary vulnerable to saltwater intrusion, which poses devastating difficulties for fish, farmers and city dwellers alike.

After years of bitter acrimony, the state and federal governments have signed a landmark agreement that limits how much water both cities and farmers can remove from the delta — which, much like our own Columbia River system in the

Northwest, is viewed as the aquatic lifeblood of central California.

Farmers, environmentalists and local officials praised the agreement. Gov. Pete Wilson, who earlier had balked at settlement with the Clinton administration, called it "a major victory of consensus over confrontation," and Environmental Protection Agency head Carole Browner called it "a model for the country."

One key to success was solid scientific work that resulted in more flexibility than first expected in the amount of fresh water required to reduce salinity. Other creative solutions were to operate pumps differently at times of year when young fish need protection. But the turning point came when California business leaders used their prestige to urge negotiators to reach agreement.

If those much-maligned Californians whom we love to disparage can summon the wherewithal to solve their difficult problems in the delta, surely we Northwesterners can do no less in the Columbia River.

U.C. BERKELEY LIBRARIES



C110986472

